
HOUSE BILL No. 1959

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-28.5.

Synopsis: Submetering for water service. Allows the owner of or landlord for a multiple dwelling unit to: (1) install a submetering system; (2) use an allocation method based on certain ratios; or (3) use another allocation method approved by the Indiana utility regulatory commission; to determine the quantity of water used by tenants and to invoice tenants for such use. Provides that the total charges to tenants for water used may not exceed: (1) the charges imposed on the owner or landlord by the public water service supplying water to the unit; plus (2) the actual administrative costs of the owner or landlord. Prohibits the owner or landlord from realizing a profit through the use of a submetering or allocation system. Provides that an owner or a landlord that uses a submetering or allocation system is considered a consecutive public water system for purposes of federal drinking water regulations. Provides that any monitoring, testing, recordkeeping, or other requirement imposed on a consecutive water system is satisfied when performed by the public water system supplying water to the multiple dwelling unit.

Effective: July 1, 2001.

Welch, Atterholt

January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1959

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-28.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]:

4 **Chapter 28.5. Submetering of Water Service**

5 **Sec. 1. As used in this chapter, "landlord" means:**

6 (1) the owner, lessor, or sublessor of a multiple dwelling unit
7 or the property of which the multiple dwelling unit is a part;
8 or

9 (2) a person authorized to exercise any aspect of the
10 management of the premises, including a person who, directly
11 or indirectly, acts as a rental agent, or receives rent or a part
12 of the rent, other than as a bona fide purchaser.

13 **Sec. 2. As used in this chapter, "multiple dwelling unit" means**
14 **a structure containing at least two (2) units owned or leased for**
15 **occupation as individual homes or residences. The term includes an**
16 **apartment, a condominium, or a mobile home park.**

17 **Sec. 3. As used in this chapter, "owner" has the meaning set**

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forth in IC 32-7-5-4.

Sec. 4. As used in this chapter, "person" means an individual, a corporation, an association, a partnership, a governmental entity, a trust, an estate, or any other legal or commercial entity.

Sec. 5. As used in this chapter, "public water system" has the meaning set forth in 42 U.S.C. 300f.

Sec. 6. As used in this chapter, "tenant" means an individual who occupies a unit in a multiple dwelling unit for residential purposes.

Sec. 7. (a) The owner of or landlord for a multiple dwelling unit may:

- (1) install a submetering system;
- (2) use an allocation method based on:
 - (A) the ratio of the square footage of a tenant's unit to the overall square footage of the multiple dwelling unit; or
 - (B) the ratio of the number of inhabitants of a tenant's unit to the overall population of the multiple dwelling unit; or
- (3) use another allocation methodology approved by the commission;

to determine the quantity of water that is provided to the tenants of the multiple dwelling unit and used in the common areas of the multiple dwelling unit, and to invoice tenants for the quantity of water used by the tenants.

(b) The owner of or landlord for a multiple dwelling unit may charge tenants separately for water and wastewater service based on usage as determined through the use of a submetering system or an allocation methodology under subsection (a). However, the total charges to tenants for water or wastewater service may not exceed:

- (1) the charges imposed on the owner or landlord by the public water system supplying the water to the multiple dwelling unit; plus
- (2) an administrative fee for the actual administrative costs of the owner or landlord in using the submetering system or allocation methodology.

The owner or landlord may not impose any additional charges and may not realize a profit through the use of a submetering system or an allocation methodology under this section.

(c) A lease, rental agreement, or other contract between:

- (1) the owner of or landlord for a multiple dwelling unit; and
- (2) a tenant of the multiple dwelling unit;

must disclose the services, if any, that are charged separately under subsection (b) and must specify the amount of any administrative



1 fee that is charged for submetering or the use of an allocation
2 methodology under this section.

3 **Sec. 8. An owner or a landlord that uses a submetering system**
4 **or an allocation methodology under this chapter is considered a**
5 **consecutive public water system (as referenced in 40 CFR 141.29)**
6 **for purposes of the federal primary drinking water regulations.**
7 **Any monitoring, testing, recordkeeping, or other requirement**
8 **imposed on a consecutive public water system under a state or**
9 **federal law, rule, or regulation is satisfied when performed by the**
10 **public water system supplying water to the multiple dwelling unit.**

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